

THE STATE CAPITAL.

Another Chapter of the Old Story of Railroad Discrimination and Ruin.

A Grain Buyer of Ulysses Forced to Quit For Want of Cars.

The Senatorial Contest Seriously Delaying Legislation.

The Journal Company Swallows the State Printing Contract.

Detailed Proceedings in Both Houses.

RAILROAD DISCRIMINATION.

Special Correspondence of THE BEE.

HOW A GRAIN BUYER WAS BUSTED.

LINCOLN, January 25.—Shortly after 11 o'clock this morning the special railroad committee met in room 6, but owing to the fact that the balloting for United States senator takes place at 12 o'clock it was found impossible to examine more than one witness, H. H. Miller, of Ulysses; but some very important evidence was brought to light. The examination consumed about forty minutes.

Mr. Miller testified that he had been "trying" to carry on a grain business with Ulysses, which was an embarrassment, he explained, he consisted in the great difficulty he had in procuring cars in which to ship his grain, and in the early part of December, 1881, he was positively refused any cars at all. Finding it such a difficult matter to get cars while other parties running elevators could get from six to ten, the witness went to Lincoln and had a talk with Mr. McCanniff, the division superintendent of the Atchafalpa & Nebraska, who said: "We cannot allow any competing. We have two elevators, which should be competition enough." Finally Mr. McCanniff told witness he had better see Mr. Harris, the general freight agent of the Burlington & Missouri at Omaha.

In company with Mr. Jensen witness went to Omaha and after waiting a day or so for Mr. Harris, who was in Denver at the time, he saw him and laid the case before him. He (Mr. Harris) also told him he was competition enough already, but witness assured him that that was not the case, and that it was not giving satisfaction to the farmers, and he (the witness) could produce farmers to back up his statements. Finally, Mr. Harris said we cannot give you a place to build on, but witness told him he did not want one. He asked Mr. Harris if he could have equal facilities for transportation and rates, and he said yes, the law provides for that; we could not do otherwise. Notwithstanding this, however, the witness continued to labor under the great disadvantage of not being able to procure cars, while the owners of the elevators could get as many as ten, and being advised by attorneys to prosecute, he sued the company for \$2,000 and put the matter in the hands of Colonel Sessions, of Lincoln, and the next day there was a case before him in the court. It then seemed that they had come as soon as witness brought the suit. It appears that a certain Mr. Goodell furnished money for the grain, but owing to the great delay in receiving it he sent to the agent asking the cause of the non-arrival of the grain, and being told that witness could not get any cars, requested the money refunded which was done. The witness sued the company because Mr. Rice, their agent, positively refused to furnish him with cars (train runs there) of a conversation with the agent, witness said this transportation was very embarrassing, and that if he could not get any cars he would have to do something. The agent replied that he would sooner he did the sooner he would commence getting cars.

Cross examined by Mr. Dewees, assistant attorney of the B. & M., as to whether he did not get money from Mr. Goodell and never used it and never called for it. The witness admitted that he never used the money simply because he could not get any transportation. Pressed as to whether the company did not hold cars for him, witness replied that he could not get the cars until after the money was returned, when of course, he had no use for them.

Asked whether he remembered that along in December, 1881, the company had cars for him, and asked him to use them and he did not; witness positively declared that the company never had asked him to use any cars. Witness further stated that he could buy five times the quantity of grain that he was shipping now, if he could insure the transportation. The B. & M. have brought a counter suit against Mr. Miller for demurrage.

The committee adjourned subject to the call of the chairman.

THE LEGISLATURE.

Special Correspondence of THE BEE.

LINCOLN, January 25.—The opinion of the supreme court in relation to railroad commission bills is received by the members with a good deal of manifest disappointment. The opinion seemed to prevail that the decision would be in favor of enacting such a law, but when it became known that it was the reverse it came like a wet blanket.

THE SENATORIAL CONTEST.

It is nearly along, with no prospect of an election for several days to come, and many of the members are of the opinion that this contest helps rather than hinders the enactment of good laws, and there are not a few

anti-monopolists who think that if the contest would keep up till the last day of the session Nebraska would be sure to have railroad legislation upon the books. The average politician and member of the house keepers of the capitol.

It is understood and generally conceded that The State Journal Company has just swallowed up the new printing company known as The Tribune Printing Company of Lincoln. By this move, if it is so, they have again secured the printing for the State of Nebraska.

THE CAT OUT OF THE BAG.
The other day I informed you of a case of privilege to which Butler, of Pawnee, has referred in his strictures upon the manner in which the printing was done. He had been advised by Hathaway (of the Journal) to be patient, since if the present contractors failed to do their duty, he did not know of any other contractors in the city that could cater to the State. Butler added that till then he did not know that the Journal Company was doing the printing as in the past. Yesterday the following appeared in the Daily News of this city. It shows the methods adopted by some parties here, when their objects cannot be fairly secured.

LINCOLN, Neb., Jan. 25, 1883.
EDITOR NEWS.—Last week Butler, of Pawnee, introduced a bill of inquiry for the purpose of ascertaining whether the Tribune Printing Company were able to fulfill their contract as state printers. A committee reported favorably. On Monday, the 22d, Butler stated that he was not aware that the State Journal Company had the contract for the work until Mr. Hathaway (of the Journal Co.) told him, as he said, that they could not do it. Now the facts are that the Tribune Company have sold their entire establishment to the Journal Company, and a portion of the machinery and material have already been moved up here. The balance is to be moved within a few weeks, probably when the legal term closes. The contract was a negotiated one, made closed a few days before The Tribune Company qualified and prepared to go on with the contract for the state work in accordance with the accepted bid. The Journal Company have for several days supplied help to The Tribune establishment to complete jobs in arrears, for the state, and carried the employees on their own payroll. The expert committee who investigated the matter, as if they had looked into the matter's net they would have discovered a "two fold" situation. The Journal Company were fulfilling the contract, while The Tribune Company had abandoned it. Mr. Hathaway, as Butler reports, says they, meaning The State Journal Company probably could not do the work. Of course, that is very natural. At the bid which secured the job to The Tribune Company, but if The T. C. should fail in its contract The Journal could possibly take the work (if not) on a basis of their original bid. And as Omaha, the only place in the state outside of Lincoln, where the work could be acceptably done, is too far away, practically, for the purpose, The Journal has the opportunity to step in and out the cheese.

The news don't know the writer "Sassacus" nor any of his relations, but from the printed letter which the above communication is written and the sentence "moved up here." The News is inclined to think that some one of The Journal Company has let a cat out of the bag a little before the time for the circus to commence.

THE MAYOR CRIPPLED.
In the senatorial run to-day the democrats stood as they have done during the past two days, but it is rumored by some of the members of that party that this is Boyd's last day, not that the popular mayor of Omaha is to shuffle off this mortal coil at sundown to-night, but that when the roll call is sound on the 26th he will fall far short of his original 34, and that to-morrow will be his last day as a senatorial candidate.

HOUSE PROCEEDINGS.
The opinion of the supreme court was submitted to the house and read by the clerk, and upon motion five hundred copies were ordered printed for the use of the members.

House Bill No. 12 came up on its final passage. The bill has considerable merit and had it been introduced by any other member in the house it would have passed without opposition, but anything bearing the name of Sessions has to come under the closest scrutiny. The bill was defeated by a large majority—Mr. Sessions voting against the bill for the purpose of having it reconsidered. Subsequently the vote was reconsidered and the bill recommitted to the committee on judiciary.

House Bill No. 2, a bill for an act to amend Chapter 67, compiled by the late Hon. J. P. Peters, was put upon its final passage and by a vote of 57 to 28 was passed. The bill provides that every person who shall be unable to earn a livelihood in consequence of any infirmity, idiocy or lunacy shall be supported by the father, grandfather, mother, grandmother, children, grandchildren, brothers or sisters.

H. R. No. 3, was passed without opposition, this is a bill to transfer 100 acres of land to the common school fund of this state.

Several bills were introduced this morning, among them H. R. 225, providing punishment for printing election tickets that are not exactly what they represent themselves to be. H. R. 216, by Mr. Whelan, extending the time of W. H. B. Stout, for building cells in the penitentiary, to 1885. H. R. 217, to protect sheep raising, providing for inspectors to look after diseased sheep. No. 218, appropriation \$1,417.17 to the heirs of John D. Simons.

H. R. No. 26, a bill for an act legalizing dissection, was read a third time and put upon its passage, the vote stood 57 for, 23 against. This bill provides that the bodies of unclaimed paupers may be taken for dissection, for scientific, educational and legal purposes.

SENATE—AFTERNOON SESSION.
LINCOLN, January 24.—On request of Brown, of Lancaster, Brown, of Douglas was excused on account of severe indisposition.

The senate then went into committee of the whole—Mr. Harris in the chair.

Joint resolutions and memorials to

the states of Kansas and Colorado were read and recommended. The memorials are fraternal in spirit and ask that the legislatures of those states will pass laws for the promotion of commercial and friendly intercourse, and that they will especially give attention to the regulation of rates of freights on railroads.

Another memorial to congress, asking for railroad legislation was similarly endorsed by the committee of the whole.

Senate file No. 8, "A bill for an act to provide for the regulation of and to prevent abuses and unjust discriminations by railroad and corporation," was then taken up for consideration.

Brown, of Lancaster amended section 4 by adding the words "not prohibited by law."

Section 5 was amended by Mr. Sowers by striking out the word "thousand" and inserting "hundred."

Butler amended section 6 by striking out the word "thousand" and inserting the word "hundred."

Harrison, of Hall, amended section 7 by striking out the words "three times."

Brown, of Lancaster, amended the same section by inserting the words "a reasonable" in place of "an," and striking out the words "equal to ten per cent. of the amount."

On motion the committee rose, reported progress, and asked leave to sit again.

SENATE—MORNING SESSION.

LINCOLN, January 25.—The prayer of the chaplain at the opening of the session was a singular and unique effusion. It was right in its position, but it was to some extent a reflection on the legislature, and very distinctly apprized the Almighty that there was a bar here, against which the members had to be guarded by nothing less than Divine power. Instead of an audible "Amen" the petition called to the face of almost every tempted lamb of the flock a broad smile.

A bill by Mr. Harrison, to define insurance companies, was read for the first time. It proposes to make all life insurance companies comply with the law of the state as to security deposited.

Mr. Dye introduced a bill to regulate late printing.

Mr. McShane's bill to regulate the manufacture and sale of oleomargarine was read a first time. It provides for the proper branding and making of every product of the dairy when mixed with any other substance.

Congress is again to be memorialized to establish a branch mint at Omaha. The memorial was read a first time and it is hoped that it will meet with more attention than similar petitions have done.

A bill was read to provide for a female superintendent of the insane asylum, to act with the male superintendent and take his place in his absence.

The committee on federal relations have been entrusted with the consideration of the memorial to congress, asking legislation to prevent pooling and any discrimination on the part of railroads.

House Roll No. 61, to provide for the payment of members, officers and employees of the present session of the legislature was listened to with attention. It was amended so that it was to draw upon the "general" instead of the "sinking" fund, and passed.

The bill to meet the incidental expenses of the present legislature was then read, and passed, with the senate amendment of the senate requiring the approval of several items by the auditor and secretary of state. Senators Dack, McShane and Reynolds voted against it.

The committee on railroads reported favorably on bill No. 48, to regulate the giving and taking of passes, and recommended that it be printed and placed on file, to be considered hereafter in connection with bill No. 54.

Bill No. 60 to regulate the sale of malt and spirituous liquors, was reported upon adversely.

The committee on education, in reference to petition of Hines and others, in favor of compulsory education and forbidding the employment of minors under 14 years of age in certain shops, etc., that while there was much in the petition worthy of consideration yet they thought the legislation asked for was impracticable at the present time.

Brown of Douglas had introduced a bill embracing the same subjects as the petition and it had been similarly treated by the committee. He took the opportunity afforded by the report presented to-day to rise and defend the purposes at issue. This he did in a clear and able speech. He showed that the character of a state depended not upon its commercial prosperity but upon the education of its citizens; that the evils of ignorance were accumulating upon us and that if this legislation did not secure the credit of action in this direction, some succeeding legislature would do so, for this was a question that was question that was forcing itself to the front and must be met.

Mr. Dack followed in an earnest speech, in which he expressed surprise that a motion should be made to adopt a report which declared the object of the bill and petition impracticable.

Brown, of Clay, moved that the report be recommitted.

The amendment was adopted by the committee, on the ground that while compulsory education might do in the cities, it would work great injustice to the larger portion of our people in the country. He thought it was going too far in advance of the times to prohibit our children from working in factories. There were not factories enough in the state to give a child between 7 and 14, the consumption, even if he swallowed them.

The motion to recommit was carried.

LOUISE LEAVES.
Special Dispatch to THE BEE.

CHARLESTON, S. C., January 25.—H. M. S. Diedo sailed for Bermuda this morning, bearing the Princess Louise.

THE NATIONAL CAPITAL.

The Naval Appropriation Bill Patched and Passed by the House.

Synopsis of the Most Important Provisions of the Bill.

Search For the Proceeds of Red Cloud's Confiscated Ponies.

Congressional Eulogies on the Late Senator Hill.

THE NAVY.

Special Dispatch to THE BEE.

TEXT OF THE BILL PASSED BY THE HOUSE.

WASHINGTON, January 25.—The naval appropriation bill as it passed the house, changes the title of the grade of midshipman to that of ensign, and master to lieutenant, and provides that the present midshipmen and masters shall constitute the junior grade of ensign and junior grade of lieutenant. In pay corps there shall be no more original appointments, promotions may be made according to existing regulations from those remaining in the corps. Officers in line shall be detailed to perform the duties of paymasters, but such officers shall not be entitled to increased compensation therefor. Examination of officers for promotion shall be conducted in writing. On the subject of promotion the bill contains the following provision:

"That hereafter all vacancies which shall occur in the various grades of line or staff shall be filled by promotion as follows: For each two vacancies in the grade of ensign in each of the lower grades until such grade shall be reduced below the number fixed by the provisions of the act of August 5th, 1882. The grade of commodore is abolished, but the present commodore shall not be disturbed thereby. Promotions to the rank of rear admiral shall be made from commodore and captain. All officers shall be credited with actual time served as officers or enlisted men in the regular or volunteer army or navy, or both, and shall receive all benefits of such actual service in all respects in the same manner as if all said service had been continuous, and provided nothing in this clause shall be construed as to authorize any change of dates in commissions or in the relative rank of such officers. The president is authorized to appoint a board of officers to inquire and report to congress which government navy yard is best adapted for the establishment of a foundry for the manufacture of arms and navy ordnance. The bill also provides that no part of the sum appropriated for the bureau of construction and repairs shall be applied to repairs of any wooden ship when the estimated cost of such repairs shall exceed 30 per cent of the estimated cost of a new ship of the same size and like material. The clauses of the bill building double turreted monitors and cruisers, etc., were incorporated in the dispatches Wednesday.

The bill provides that the appointment of naval cadets shall be made by the academy board of the naval academy in the order of merit, upon such tests as shall be determined by said board. Hereafter no officer of the navy shall be employed on any shore duty unless the secretary of the navy shall determine the appointment of the officer is required by public interests. The last item of general legislation in the bill is the following:

"Any pay director, pay inspector, paymaster, post assistant paymaster, paymaster's clerk, or other officer or person who shall purchase or pay for any stores, supplies, or any property whatever, for the use of, or on account of the navy, naval vessel, or bureau, and who shall be offered any discount on the price thereof for cash or as an inducement for the purchase thereof, or for any other reason, whatever, shall account therefor and charge himself therewith in the settlement of his account; if any such officer or person shall willfully fail to do so or shall accept any present or gratuity of any kind or value, whatever, on account of or by reason of any purchase or payment made by him, as aforesaid, shall, on conviction thereof, be dismissed from the service and imprisoned not less than one nor more than 10 years, and fined not less than \$100 nor more than \$1,000.

Barial of the Burnt Bodies.
Special Dispatch to THE BEE.

WILWAUKEE, January 25.—The solemn rites over the unrecognized victims of the Newhall house disaster occurred this forenoon. Nearly all the business houses, all the city and county departments and banks were closed, and the chamber of commerce and postoffice from 10 till 12 o'clock.

The occasion was generally observed as one of deep mourning. Pursuant to an agreement of the clergy of all confessions twenty-three bodies were awarded to the Protestants and twenty to the Catholics. Each victim was placed in a neatly trimmed coffin and every scrap recognized as remains of a human were cared for. The bodies assigned to the Protestants were taken to the exposition building, which was densely crowded. The services experienced an interruption by the explosion of a steam pipe in one of the galleries. The crowd made a rush for the exits, but was soon quieted. Fully ten thousand people were in the building, but the stampede was not attended by any fatal results. Simultaneously with exercises at the exposition building the Catholics held services and the Protestants were taken to Forest Home and the Catholics to Calvary cemetery and interred in common graves under impressive ceremonies.

The citizens' committee are busy collecting funds for monuments to mark the last resting place of victims of the terrible disaster. The inquest in the case is adjourned until to-morrow on account of the funeral ceremonies.

THE U. P. and the Government.
Special Dispatch to THE BEE.

NEW YORK, January 25.—The Post says: "The Washington dispatches giving notice of preparations of the attorney general to begin suit against the Union Pacific to recover about \$1,000,000 alleged to be due the government on account of earnings of the road for transportation of material for its own construction, does not seem to affect the market price of Union Pacific stock; probably because it does not strike the general public as consistent with the policy of the government to subsidize railroads and then tax the process of construction. We learn from the chairman of the government directors of the Union Pacific railroad company that the reports of trouble or discord between them and the officials and directors of the company are without foundation. All information asked for by the government directors is furnished by the company and the government. The directors are now actively engaged in the preparation of their report for the secretary of the interior."

THE PACIFIC ROBBERY.
Special Dispatch to THE BEE.

SALT LAKE, January 25.—A construction engine on the Denver & Rio Grande jumped the track and killed the engineer and brakeman and wounded two others, but not fatally. A reward offered for the men who attempted to rob the Central Pacific train. There is no trace of them as yet. It is believed there exists a loose organization of thieves on the western border of Utah.

as appraiser of merchandise at New York.

Notwithstanding the intimation from several senators that the republican conference this morning was no brief and informal that nothing of interest transpired, the rumor is authenticated that a brief discussion of tariff matters which was in some respect decidedly animated and that enough was disclosed of the temper of republican members to indicate that it may be next to impossible to hold them in a caucus action. It is said that Conger directly intimated that he would not vote for the bill upon its final passage if lumber is retained on the free list. Allison, in reply took occasion to point out the duty of individual senators in terms which drew from Logan a vigorous defense of the rights of individual senators to sustain their convictions untrammelled by party or caucus distinction.

CONGRESSIONAL SENATE PROCEEDINGS.

WASHINGTON, January 25.—To-day having been set apart for the services in honor of the late Senator Hill, of Georgia, on motion of Brown immediately after the reading of the journal remarks eulogistic of the deceased were begun.

HOUSE PROCEEDINGS.

WASHINGTON, January 25.—In the house the naval bill came up as a regular order, with the pending amendment recommended by the committee, the first amendment providing that the chiefs of bureaus shall receive no additional pay, by reason of holding such positions, was rejected.

The next amendment, being that for the payment to Asa Weeks of \$50,000 for the use by the United States of his invention in the torpedo, was agreed to, and the bill was passed.

Mr. Kelly (Pa.) moved to go into a committee of the whole on the tariff bill.

Mr. Butterworth (Ohio) raised the question of consideration, stating his purpose was to call up the "bonded spirits" bill, which was on the speaker's table.

Mr. Kelley's motion was agreed to and the house at 12:30 o'clock went into a committee of the whole.

Mr. Burrows (Mich.) in the chair on the revenue bills.

The first bill was to admit free of duty the monument to George Washington.

Kelly objected to its consideration and the objection was sustained by the house. A similar action was taken upon all bills, including that to abolish the internal revenue tax on tobacco, snuff, cigars and cigarettes.

At the conclusion of Mr. Kelley's speech, which was brief, the committee rose, public business was postponed and the house proceeded to eulogize the late Senator Hill. Adjourned.

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TOO GOOD TO LIVE.

The Proposed Board of Railroad Commissioners Killed in Its Youth.

The Supreme Court Unanimously Sit Down on the Favorite Scheme.

The Prohibitory Provisions of the State Constitution Pointed Out.

THE RAILROAD COMMISSION.

OPINION OF THE SUPREME COURT OF NEBRASKA.

To the Honorable the House of Representatives of Nebraska.

We have the honor to acknowledge the receipt of a copy of a resolution adopted by your honorable body on the 22d day of the present month, whereby the judges of the supreme court were requested to answer the important questions hereinafter stated. While we cheerfully comply with that request we desire in the first place to say that courts or judicial officers, in this state at least, are but seldom called upon to decide or pass an opinion upon important legal or constitutional questions without first having the benefit of argument by counsel, who, stimulated by considerations of professional pride and the pecuniary interests of their clients, have usually exhausted the libraries of learning in search for reasons and precedents to sustain their respective sides of the question and the theories upon which they may be sustained. And even then it not unfrequently happens that a conclusion reached under such favorable circumstances may be reversed or materially modified after being brought to the test of experience and that free and unlighted discussion which the opinions of judges as well as the acts of legislatures must undergo in this age and country. We therefore enter with diffidence upon the examination of these important questions, which, so far as we know, are now presented for the first time under our constitution and in which examination we are without the aid of argument or discussion.

Taking up the questions in the order in which they are presented by the resolution, the first is as follows:

First—"Would railroad commissioners be state executive officers if created by the legislature?"

As railroad commissioners are at present unknown to the constitution and laws of this state, we take it for granted that the house in the wording of the resolution had reference to those officers as known to the laws of some of our sister states. In looking into the statutes of the state of Iowa, for instance, we find a law making it the duty of the governor, by and with the advice and consent of the executive council, to appoint three competent persons (one of whom shall be a civil engineer) who shall constitute a board of railroad commissioners, &c., &c. The act in its several sections provides salaries for the commissioners to be paid out of the state treasury, that they shall hold their offices at the state capital, and in many provisions make their duties co-extensive with the limits of the state. There can be no doubt then that were a commission of this general character provided for by an act of the legislature of this state and such act contained the same or similar provisions as those contained in the act of the Iowa legislature referred to such commissioners would be state officers. Whether they would be state executive officers within the meaning of our constitution must be determined by an examination of the provisions of that instrument. The first clause of article 2 of the constitution is in the following language:

"The powers of the government of this state are divided into three distinct departments—the legislative, executive and judicial."

Articles three and four are devoted to the legislative department, investing its authority in a senate and house of representatives among the several counties of the state, &c., &c.

Article five is devoted to the executive department and provides that it "shall consist of a governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, attorney general, commissioner of public lands and buildings, &c., &c."

Article six is devoted to the judicial department. The powers of the state government being thus by the fundamental law divided into these three distinct departments, it is clearly incompetent for the legislature to create a commission and invest it with any judicial power without assigning the duties thereof to one or the other of them. The powers and duties of railroad commissioners as defined by the statute of Iowa above referred to are inherently executive. Webster in defining this word says:

"In government executive is distinguished from legislative and judicial—legislative being applied to the organ or organs of government which make the law, judicial to that which interprets and applies to the law, and executive to that which carries them into effect."

Even were it not forbidden by other clauses of the constitution we do not think that it is desired or contemplated to invest such railway commission with the power to make laws or even to interpret or apply them, but that such duties would be to aid in carrying the laws into effect. Hence their duties would be executive, and if state officers if paid out of the state treasury and their field of duty co-extensive with the territorial limits of the state, they would be state executive officers.

The second question:

"Would such an office if created by the

legislature come within the inhibition of the constitution?"

Can we think after what has been said above be answered by quoting a section of the constitution. Article 5, after twenty sections devoted to the designation of the officers which shall constitute their election, qualification, terms of office, duties and salaries, concludes with the following:

SECTION 26. No other executive state office shall be created or created and the duties now devolving upon the officers not provided for by this constitution shall be performed by the officers herein created.

The creation of an executive office or the providing for the election or appointment of an executive state officer, not provided for in said article, could not well have been made more clearly inhibited.

The two remaining questions may be stated and answered together:

Third—"Would a law regulating the management of railroads in Nebraska under the commission system be obnoxious to any provision or provisions of the constitution of this state?"

Fourth—"In your opinion could such a railroad commission law be framed that would be capable of enforcement?"

In answering the former questions we have seen that all executive power must be enforced by the officers provided for by article five as constituting the executive department and that the powers imposed upon railroad commissioners by the statute of the state of Iowa (and we presume the same to be true of other states which have resorted to similar legislation) are executive. We know of no constitutional inhibition to the imposition of additional executive power as such upon any or either of the officers constituting the executive department, and we do not think it within the scope of legislation to frame a law for the regulation and management of railroads under the commission system, with the above limitations as to the personnel of the commissioners and within the limits of the constitutional powers of government over private or corporate rights which would be capable of enforcement.

Respectfully submitted,
Geo. B. LARK, chief justice.
AMASA COBB,
SAMUEL MAXWELL, judges.

THE SENATORIAL CONTEST.

Special Dispatch to THE BEE.

LINCOLN, January 25.—Two ballots were recorded this morning with the following results. These are the eleventh and twelfth joint ballots which have been taken.

THE ELEVENTH BALLOT.

was as follows:
Saunders 14, Stickel 8, Cowin 12, Connor 9, Crounse 2, Boyd 33, Millard 22, Manderson 7, Morton 4, Thayer 15, Weaver 1, Lake 2, Dye 1, Hollman 1, Brown 1.

THE TWELFTH BALLOT.

was as follows:

Saunders 15, Stickel 8, Cowin 12, Connor 9, Crounse 2, Boyd 31, Millard 22, Manderson 7, Morton 5, Thayer 15, Weaver 1, Lake 2, Dye 1, Hollman 1, Brown 4.

THE VOICE IN DETAIL.

Special Correspondence of THE BEE.

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